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Attorneys for Defendant  
 SEAFOOD PEDDLER OF SAN  
 RAFAEL, INC. dba SEAFOOD PEDDLER

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

HILDA L. SOLIS, Secretary of Labor,  
 United States Department of Labor,

Plaintiff,

vs.

SEAFOOD PEDDLER OF SAN  
 RAFAEL, INC., dba SEAFOOD  
 PEDDLER, a corporation; ALPHONSE  
 SILVESTRI, an individual, RICHARD  
 MAYFIELD, an individual, and FIDEL  
 CHACON, an individual,

Defendants.

Case No.: CV-120116 (JW)

**ANSWER OF DEFENDANT SEAFOOD  
 PEDDLER OF SAN RAFAEL, INC.**

**[Jury Trial Requested]**

Defendant SEAFOOD PEDDLER OF SAN RAFAEL, INC., (hereinafter, "Defendant")  
 answers Plaintiff's Complaint for Violations of Fair Labor Standards Act (the "Complaint") as  
 follows:

1           1.       Answering Paragraph 1 of the Complaint, Defendant admits that Plaintiff brings the  
2 action. Except as so admitted, Defendant denies each and every allegation contained in paragraph  
3 1.

4           2.       Answering paragraph 2 of the Complaint, Defendant admits the allegations  
5 contained therein.

6           3.       Answering paragraph 3 of the Complaint, Defendant admits the allegations  
7 contained therein.

8           4.       a.       Answering paragraph 4(a) of the Complaint, Defendant admits the  
9 allegations contained therein.

10           b.       Answering paragraph 4(b) of the Complaint, Defendant admits that  
11 Defendant Alphonse Silvestri resides in San Rafael, California, within the jurisdiction of this  
12 Court, and that he had authority to hire and fire employees. Except as so admitted, Defendant  
13 denies each and every allegation contained in paragraph 4(b).

14           c.       Answering paragraph 4(c) of the Complaint, Defendant is without sufficient  
15 knowledge or information to form a belief as to the truth of the allegations contained in said  
16 paragraph regarding the residence of Richard Mayfield, and on that basis denies each and every  
17 allegation in that regard. Defendant denies the remaining allegations contained in paragraph 4(c).

18           d.       Answering paragraph 4(d) of the Complaint, Defendant is without sufficient  
19 knowledge or information to form a belief as to the truth of the allegations contained in said  
20 paragraph regarding the residence of Fidel Chacon, and on that basis denies each and every  
21 allegation in that regard. Defendant denies the remaining allegations contained in paragraph 4(d).

22           5.       Answering paragraph 5 of the Complaint, Defendant admits the allegations  
23 contained therein.

24           6.       Answering paragraph 6 of the Complaint, Defendant admits the allegations  
25 contained therein.

26           7.       Answering paragraph 7 of the Complaint, Defendant denies the allegations  
27 contained therein.

1           8.       Answering paragraph 8 of the Complaint, Defendant denies the allegations  
2 contained therein.

3           9.       Answering paragraph 9 of the Complaint, Defendant denies the allegations  
4 contained therein.

5           10.      Answering paragraph 10 of the Complaint, Defendant denies the allegations  
6 contained therein.

7  
8 Dated: March 2, 2012

BENJAMIN, WEILL & MAZER  
A Professional Corporation

9  
10                               /s/  
11                               \_\_\_\_\_  
12                               MARC S. MAZER  
13                               Attorneys for Defendant  
14                               SEAFOOD PEDDLER OF SAN RAFAEL, INC. dba  
15                               SEAFOOD PEDDLER

16                               **DEMAND FOR JURY TRIAL**

17           Defendant SEAFOOD PEDDLER OF SAN RAFAEL, INC. hereby demands trial by jury  
18 of all issues to the extent allowed by law.

19 Dated: March 2, 2012

BENJAMIN, WEILL & MAZER  
A Professional Corporation

20                               /s/  
21                               \_\_\_\_\_  
22                               MARC S. MAZER  
23                               Attorneys for Defendant  
24                               SEAFOOD PEDDLER OF SAN RAFAEL, INC. dba  
25                               SEAFOOD PEDDLER

**CERTIFICATE OF SERVICE**

I, the undersigned, under penalty of perjury declare and say: I am over the age of 18 years and not a party to this action or proceeding. My business address is 235 Montgomery Street, Suite 760, San Francisco, CA 94104. On this date, I caused the following document(s) to be served:

**ANSWER OF DEFENDANT SEAFOOD PEDDLER OF SAN RAFAEL, INC.**

to the addressee(s) shown below:

Mattaniah Eytan Howard Clark Underwood Law Offices of Mattaniah Eytan 21 Tamal Vista Boulevard, Suite 219 Corte Madera, CA 94925	
Leon Edward Pasker U.S. Department of Labor Office of the Solicitor 90 7th St., Suite 3-700 San Francisco, CA 94103	

☒ **MAIL** -- I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service; that the correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business; the name and address of the person served as shown on the envelope, and the date and place of business where the correspondence was placed for deposit in the United States Postal Service; and that the envelope was sealed and placed for collection and mailing on that date following ordinary business practices.

☐ **PERSONAL SERVICE** -- Document(s) delivered by hand to the addressee.

☐ **FACSIMILE** -- By causing a copy of said document(s) to be transmitted by facsimile, pursuant to agreement between the party(ies), to the telephone number listed adjacent to the name on this Proof of Service.

☐ **FEDERAL EXPRESS**: I caused such envelope to be delivered to Federal Express for overnight courier service to the office(s) of the addressee(s).

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 2, 2012.

\_\_\_\_\_  
/s/  
MARC S. MAZER